

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATHAN S. LAYMAN.

Plaintiff,

1

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration

Defendant.

CASE NO. C11-5490-RBL-JRC

REPORT AND
RECOMMENDATION ON
DEFENDANT'S STIPULATED
MOTION FOR REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 23.)

After reviewing defendant's stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and reverse and remand this matter to the

1 administration pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative
2 proceedings including a de novo hearing.

3 On remand, based on the parties' stipulation, this Court recommends that the
4 Administrative Law Judge (the "ALJ") hold a new hearing and issue a new decision.

- 5 • The ALJ should further consider the medical opinions of record, including the
6 opinions of Dr. Wheeler (Tr. 332-338), Dr. Krueger (Tr. 339-347, 352-359), Dr.
7 Gardner (Tr. 379-392, 393-396), physician assistant M. Myers (Tr. 348-351, 369-
8 372), and physician assistant Andrea Buser and Dr. Duckworth (Tr. 360-363);
- 9 • The ALJ should further consider Plaintiff's subjective complaints;
- 10 • The ALJ should further consider Plaintiff's residual functional capacity;
- 11 • The ALJ should consider the lay witness statement of Kanaychowa Layman (Tr. 177-
12 184); and
- 13 • If the sequential evaluation proceeds to step five, the ALJ should obtain additional
14 vocational expert testimony.

15 This Court also recommends that the ALJ take any other actions necessary to develop the
16 record. In addition, Plaintiff should be allowed to submit additional evidence and arguments to
17 the ALJ on remand.

18 Given the facts and the parties' stipulation, the Court recommends that the District Judge
19 immediately approve this Report and Recommendation and order that the case be **REVERSED**
20 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

21 Dated this 27th day of October, 2011.

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24 J. Richard Creatura
United States Magistrate Judge